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Procedural rules governing the UEFA Club Financial Control Body

Edition 2012

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Preamble

Based on Articles 32(3) and 34^{ter} of the *UEFA Statutes*, the following *Procedural rules governing the UEFA Club Financial Control Body* (hereinafter: CFCB) have been adopted:

I. GENERAL PROVISIONS

Article 1 – *Definition of terms*

- ¹ For the purpose of these rules, the following definitions apply:
- a) Licence applicant: football club, i.e. legal entity fully and solely responsible for a football team participating in national club competitions, which has applied for a licence to enter UEFA club competitions.
 - b) Licensee: licence applicant that has been granted a licence to enter UEFA club competitions.
 - c) Licensor: UEFA member association or its affiliated league that operates the UEFA club licensing system at national level, grants licences to enter UEFA club competitions and undertakes certain tasks in respect of the UEFA club monitoring process.
 - d) Defendant: UEFA member association, licensor, licence applicant, licensee or individual which is subject to the *UEFA Club Licensing and Financial Fair Play Regulations* and against which proceedings have been opened by the CFCB.
 - e) Procedural act: any action, decision or step performed either by the defendant or the CFCB in the course of proceedings before the latter.
- ² In these rules, the use of the masculine form refers equally to the feminine.

Article 2 – *Scope of application*

The present rules govern:

- a) the jurisdiction of the CFCB (Article 3);
- b) the organisation of the CFCB (Articles 4 to 10);
- c) the decision-making process of the CFCB (Articles 11 to 36).

Article 3 – *Jurisdiction of the CFCB*

- ¹ The CFCB is competent to:
- a) determine whether licensors have fulfilled their obligations and whether licence applicants/licensees have fulfilled the licensing criteria as defined in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - b) determine whether licensees fulfil the club monitoring requirements as defined in the *UEFA Club Licensing and Financial Fair Play Regulations*;

- c) impose disciplinary measures as defined in these rules in the event of non-fulfilment of the requirements set out in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - d) decide on cases relating to club eligibility for the UEFA club competitions to the extent provided for by the regulations governing the competitions in question.
- 2 When a case seems to come under the jurisdiction of both the CFCB and the Control and Disciplinary Body, the chairmen of the two bodies decide in their own discretion which body shall deal with the case. If they cannot reach an agreement, the chairman of the Appeals Body decides in his own discretion. Such decisions on jurisdiction may only be appealed against with the final decision of the body to which the case was assigned.

II. ORGANISATION OF THE CFCB

Article 4 – Composition

- 1 The CFCB consists of:
- a) a chairman, who heads the adjudicatory chamber of the CFCB and takes the necessary measures to guarantee its proper functioning;
 - b) the CFCB chief investigator, who heads the investigatory chamber of the CFCB and takes the necessary measures to guarantee its proper functioning;
 - c) two vice-chairmen, who belong to the adjudicatory chamber of the CFCB;
 - d) at least three other members, who are assigned by the UEFA Executive Committee either to the investigatory chamber or to the adjudicatory chamber of the CFCB.
- 2 The CFCB is divided into:
- a) an investigatory chamber for the investigation stage of the proceedings, which is led by the CFCB chief investigator;
 - b) an adjudicatory chamber for the judgment stage of the proceedings, which is led by the CFCB chairman.
- 3 Whenever the present rules refer to the CFCB chief investigator, the latter can be replaced by another member of the investigatory chamber.
- 4 Whenever the present rules refer to the CFCB chairman, the latter can be replaced by a CFCB vice-chairman or another member of the adjudicatory chamber.
- 5 A member of the investigatory chamber may not belong simultaneously to the adjudicatory chamber and conversely.

Article 5 – Election and term of office

- 1 The CFCB members are elected by the UEFA Executive Committee for a term of four years.
- 2 They may be re-elected for subsequent terms.

Article 6 – Incompatibilities

CFCB members may not belong simultaneously to:

- a) any other UEFA organ, body or committee;
- b) any organ, body, committee or administrative division of a UEFA member association or any league or club affiliated to a UEFA member association.

Article 7 – Role of the UEFA administration

- 1 The UEFA administration provides the CFCB with the necessary staff, infrastructure and administrative support at UEFA headquarters.
- 2 The UEFA administration assists the CFCB in the fulfilment of its tasks as set out in these rules.

Article 8 – Liability

Members of the CFCB are not liable for any action or failure to act in connection with proceedings before the CFCB, cases of gross negligence excepted.

Article 9 – Confidentiality

Members of the CFCB ensure complete confidentiality of all facts that come to their attention in the course of their duties, and in particular refrain from divulging the contents of deliberations.

III. DECISION-MAKING PROCESS OF THE CFCB

Chapter 1 Investigation

Article 10 – Tasks of the CFCB chief investigator

- 1 If a case falling under the jurisdiction of the CFCB in accordance with these rules comes to the attention of, or is referred to, the CFCB, an investigation is conducted by the CFCB chief investigator.
- 2 The CFCB chief investigator establishes the facts and collects all evidence.

Article 11 – Collection of evidence

- 1 The CFCB chief investigator may, on his own initiative or, where appropriate, at the request of the defendant, convene a hearing as part of his investigation.
- 2 All means of evidence may be considered by the CFCB chief investigator. This includes, but is not limited to, the defendant’s testimony, witness testimonies, documents and records, recordings (audio or video), on-site inspections and expert reports.
- 3 The defendant may consult the case file.
- 4 The CFCB chief investigator may set a suitable time limit for the defendant to submit its observations and/or submit or request complementary evidence.

Article 12 – End of the investigation

- 1 At the end of the investigation, the CFCB chief investigator, after having consulted with the other members of the investigatory chamber, may decide to:
 - a) drop the case; or
 - b) refer the case to the adjudicatory chamber; or
 - c) take any other appropriate measures.
- 2 Such a decision is notified to the defendant and any interested party. An interested party may request any such decision to be confirmed by the adjudicatory chamber. Such request must be filed in writing within three days of the notification of the decision of the CFCB chief investigator.

Article 13 – Reporting judge

If the case is referred to the adjudicatory chamber, then a reporting judge from among the members of the investigatory chamber presents the case to the adjudicatory chamber for decision.

Chapter 2 Judgment

Article 14 – Tasks of the adjudicatory chamber

- 1 The adjudicatory chamber decides on the case referred to it by the CFCB chief investigator.
- 2 Once the case has been referred to the adjudicatory chamber, the proceedings are conducted by the CFCB chairman.
- 3 The CFCB chairman informs the defendant of the opening of the judgment stage.

- 4 The CFCB chairman may, on his own initiative or upon request, collect new evidence at his own discretion.
- 5 Once he deems the case file complete, the CFCB chairman concludes the collection of evidence.

Article 15 – Pleadings

- 1 The CFCB chairman invites the defendant to submit its pleadings in writing within a suitable time limit.
- 2 He may, on his own initiative or at the request of the defendant, convene an oral hearing.

Article 16 – Deliberations

- 1 Once the pleadings have been completed, the adjudicatory chamber deliberates in a meeting behind closed doors.
- 2 Deliberations may take place through video or telephone conference or correspondence.

Article 17 – Quorum and decision-making

- 1 The adjudicatory chamber makes its final decision in the presence of at least three of its members, including the CFCB chairman, who have attended the deliberations.
- 2 The adjudicatory chamber makes its final decision by simple majority. Abstentions shall not be taken into account. In the event of a tie, the CFCB chairman has the casting vote.

Article 18 – Applicable rules

In rendering its final decision, the adjudicatory chamber applies the *UEFA Statutes*, rules and regulations.

Article 19 – Final decision

The adjudicatory chamber may take the following final decisions in the case at hand:

- a) to drop the case; or
- b) to accept or reject the club's admission to the UEFA club competition in question; or
- c) to impose disciplinary measures in accordance with the present rules; and/or
- d) to take any other appropriate measures.

Article 20 – Fixing of disciplinary measures

The adjudicatory chamber determines the type and extent of the disciplinary measures to be imposed according to the circumstances of the case.

Article 21 – List of disciplinary measures

¹ The following disciplinary measures may be imposed against any defendant other than an individual:

- a) warning,
- b) reprimand,
- c) fine,
- d) deduction of points,
- e) withholding of revenues from a UEFA competition,
- f) prohibition on registering new players in UEFA competitions,
- g) restriction on the number of players that a club may register for participation in UEFA competitions,
- h) disqualification from competitions in progress and/or exclusion from future competitions,
- i) withdrawal of a title or award.

² The following disciplinary measures may be imposed against any defendant who is an individual:

- a) warning,
- b) reprimand,
- c) fine,
- d) suspension for a specified number of matches or for a specified or unspecified period,
- e) suspension from carrying out a function for a specified number of matches or for a specified or unspecified period,
- f) ban on exercising any football-related activity.

³ Disciplinary measures may be combined.

Article 22 – Form and content of the final decision

¹ The adjudicatory chamber issues its final decision in writing.

² The final decision contains:

- a) the date and place of the decision;
- b) the names of the members of the adjudicatory chamber having taken part in the deliberations;
- c) the name of the defendant and its representative;

- d) a summary of the relevant facts and evidence;
- e) the applicable rules and the grounds upon which the decision is based;
- f) the operative part of the decision, including the allocation of costs;
- g) the signature of the CFCB chairman;
- h) notice of the appeal conditions (including form, competent body and deadline for appeal).

Article 23 – Costs

- 1 The costs of proceedings include the expenses of the CFCB.
- 2 The costs are borne in accordance with the outcome of the proceedings.
- 3 Costs caused abusively by the defendant are charged to the latter, irrespective of the outcome of the proceedings.
- 4 No procedural compensation (including costs of representation) is awarded in proceedings before the CFCB.

Article 24 – Notification and publication of the final decision

- 1 The final decision of the adjudicatory chamber is notified to the defendant and any interested party.
- 2 The UEFA administration may publish the final decision of the adjudicatory chamber.

Article 25 – Legal force of the final decision

- 1 The final decision of the adjudicatory chamber becomes effective when notified in writing.
- 2 It may only be appealed before the Court of Arbitration for Sport (CAS) in accordance with the relevant provisions of the *UEFA Statutes*.

Chapter 3 Enforcement

Article 26 – Enforcement

- 1 The UEFA administration is competent to enforce the final decision of the adjudicatory chamber.
- 2 If the final decision imposes disciplinary measures, its enforcement is barred after ten years.

Article 27 – Rectification

The adjudicatory chamber may, at any time, rectify any mistakes in calculation or any other obvious errors made in its final decision.

Chapter 4 Rules applicable to the whole proceedings

Article 28 – Limitations

Prosecution is barred after five years for all breaches of the *UEFA Club Licensing and Financial Fair Play Regulations*.

Article 29 – Time limits

- ¹ A time limit begins on the date after which it is announced in writing. It is considered observed if acted upon by 24.00 CET (Central European Time) on the deadline date. When a deadline expires on a Saturday, Sunday or public holiday in the Swiss canton of Vaud, where UEFA's headquarters are located, it is carried forward to the next working day. The relevant public holidays are published on UEFA.com (disciplinary section).
- ² If a time limit is not observed, the defaulter loses the procedural right in question.
- ³ On receipt of a reasoned, written request, the CFCB chief investigator or CFCB chairman may extend a time limit.
- ⁴ Time limits are interrupted from 20 December to 5 January inclusive.

Article 30 – Language of proceedings

- ¹ The language of proceedings is English or French.
- ² Upon written request, an interpreter shall be provided to the defendant at the expense of the latter.

Article 31 – Assistance and representation

- ¹ The defendant may be assisted or represented by a person of its choice.
- ² The CFCB chief investigator or CFCB chairman may require the chosen assistant or representative to provide a written power of attorney.

Article 32 – Interveners

Member associations, clubs and other individuals/bodies that may have a legitimate interest in participating in the proceedings before the investigatory chamber and/or adjudicatory chamber may be invited or accepted to do so as interveners.

Article 33 – Independence of the CFCB

The members of the CFCB are independent. They are bound exclusively by the *UEFA Statutes*, rules and regulations and the law.

Article 34 – Recusal

- 1 Any CFCB member shall remove himself from the case, on his own initiative or upon request:
 - a) if he himself, his association or a club belonging to that association, or another club with which he is connected in any other way, is directly concerned;
 - b) if his independence or impartiality is in doubt.
- 2 The defendant may request the recusal of a CFCB member by a substantiated written recusal request, which must be filed as soon as the grounds for recusal are known.
- 3 In case of doubt or dispute, the CFCB chairman decides on the participation of the member concerned.
- 4 If the recusal request concerns all CFCB members, the CFCB itself decides on the request.
- 5 A CFCB member whose recusal has been requested may continue to validly perform his duties on the case at hand as long as no decision has been taken on his recusal.

Article 35 – Procedural acts

- 1 Procedural acts of the CFCB may be notified to the defendant or its representative where one has been designated.
- 2 Written notifications of the CFCB must be sent by registered mail or fax.
- 3 Notifications of the CFCB are fully effective once they have reached the defendant.
- 4 An appeal against procedural acts of the CFCB is not possible, except against the final decision of the adjudicatory chamber.

Article 36 – Provisional or conservatory measures

The CFCB chief investigator or CFCB chairman may order provisional or conservatory measures.

IV. FINAL PROVISIONS

Article 37 – Unforeseen cases

Cases not provided for in these rules are decided in accordance with the relevant provisions of the *UEFA Disciplinary Regulations*, which apply by analogy.

Article 38 – Authoritative text

In the event of any discrepancy between the English, French and German versions of these rules, the English version prevails.

Article 39 – Adoption and entry into force

¹ These rules were adopted by the UEFA Executive Committee at its meeting on 18 May 2012.

² They come into force on 1 June 2012.

For the UEFA Executive Committee:

Michel Platini
President

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General Secretary

Nyon, 18 May 2012

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